

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENRICHETTA RAVINA,

PLAINTIFF,

-- against --

**COLUMBIA UNIVERSITY
A/K/A THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK
AND GEERT BEKAERT,**

DEFENDANTS.

Case No. 1:16-cv-02137-RA

**DECLARATION OF RAYMOND MCLEOD,
VICE PRESIDENT AND MANAGING DIRECTOR FOR DOAR, INC.,
IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS**

I, Raymond McLeod, hereby declare as follows:

1. I am Vice President and Managing Director for DOAR, Inc. ("DOAR"), a litigation consulting firm that provides comprehensive litigation support to attorneys and their clients, including in the presentation of evidence, the development of trial strategy, and the creation of demonstratives. As Vice President and Managing Director for DOAR, I manage DOAR's New York trial consulting practice and lead client engagements.

2. I make this Declaration in support of Plaintiff's Motion for Attorneys' Fees and Costs based upon personal knowledge. If called and sworn as a witness, I would testify competently as to the facts in this Declaration.

A. Overview of DOAR's Services in this Case

3. In May 2018, shortly before the start of trial in this case, Plaintiff Enrichetta Ravina's counsel at Sanford Heisler Sharp, LLP retained DOAR to provide trial consulting and

support in the above-captioned lawsuit. I, along with Dr. Roy Futterman, Ph.D., were the primary DOAR trial consultants assisting Professor Ravina's counsel.

4. DOAR's team of consultants and professionals provided a range of critical services to prepare for and support the trial in this case. Among other things, DOAR performed extensive pre-trial research to develop the case themes elicited at trial; helped select a jury based in part on a comprehensive analysis of pertinent research and data; assisted counsel in witness preparation for Professor Ravina and her treating psychiatrist; assisted with the development of counsel's opening statement and closing arguments; assisted with the development of comprehensive PowerPoint presentations for both the liability and damages closing arguments, which included key demonstratives synthesizing documentary evidence and trial testimony; created compilations of video deposition testimony presented during Plaintiff's case-in-chief and during closing arguments; created and managed a trial database containing all exhibits, video depositions, demonstratives, and other case materials; coordinated the presentation of evidence to the jury throughout the three-week trial; and provided on-site trial consulting and technical support.

5. In total, DOAR charged, and Sanford Heisler Sharp paid, \$355,984.71 for DOAR's trial support and consulting services in this case. This included 1084.50 hours of work performed by DOAR professionals at standard hourly rates ranging from \$195 to \$495 per hour. In addition, DOAR performed additional work in this case valued at \$35,687.88 for which we did not bill. Appended as Exhibit A is a tabulation of the amounts charged by DOAR and the payments made by Sanford Heisler Sharp in connection with this case.

6. Based on my expertise and over two decades of experience providing trial consulting services, DOAR's rates are reasonable, customary, and comparable to the rates of other trial consultants of comparable experience and reputation in the industry who perform similar

services. Likewise, the total amount that DOAR charged in connection with this case is typical for trials of similar duration and complexity in the Southern District of New York.

7. Below, I have set forth detailed descriptions of the professional qualifications and responsibilities of the DOAR professionals who provided substantial trial support in this case. Other DOAR professionals played more limited roles in connection with this matter.

B. Raymond McLeod's Case Responsibilities and Professional Background

8. As one of the primary DOAR trial consultants on this matter, I ran and oversaw the DOAR team's work on the case, consulted Professor Ravina's trial team regarding trial strategy throughout, assisted with witness preparation and presentation, and oversaw the presentation of exhibits and the creation of graphics at trial.

9. I have a Master of Science degree in Computer Forensics from John Jay College of Criminal Justice and a Bachelor of Science degree from Baruch College.

10. I have over twenty years of experience providing litigation consulting services. Prior to joining DOAR, I served as Head of Practice Support at Proskauer Rose LLP. Since joining DOAR, I have consulted in some of the largest, high-profile trials in the country, including multi-billion-dollar civil cases. At DOAR, I routinely support employment cases involving claims of discrimination, harassment, and retaliation. In these cases, I advise clients regarding trial strategy, jury selection, and witness preparation and oversee DOAR's development of graphics strategies and the use of innovative technologies at trial. I have also delivered presentations and CLE seminars on such topics as "Using Technology at Trial," "Using Visuals to Communicate, Educate, & Persuade," and "Current Trends in Trial Strategy & Presentation." Appended as Exhibit B is a more detailed summary of my professional background and accomplishments.

C. Dr. Roy Futterman's Case Responsibilities and Professional Background

11. Dr. Roy Futterman, Ph.D., is a Director in DOAR's trial consulting practice. As one of the primary DOAR trial consultants working on this lawsuit, Dr. Futterman oversaw critical pre-trial research that shaped the case themes elicited at trial, assisted counsel in the witness preparation of Professor Ravina and her treating psychiatrist, consulted extensively with counsel on trial strategy, and assisted with the development of counsel's opening statement and closing arguments.

12. Dr. Futterman holds a Ph.D. in Clinical Psychology from the Derner Institute at Adelphi University and a Bachelor of Science from Boston University.

13. Dr. Futterman has worked as a trial consultant for almost fifteen years. As a clinical psychologist, Dr. Futterman integrates psychological theory and technique into his trial consulting, leveraging his clinical skills to prepare individual witnesses for trial and to assess juror behaviors. Dr. Futterman has extensive experience providing strategic analysis and trial recommendations for civil and criminal cases, including employment matters, and he has advised clients on some of the country's largest and most complex litigations. Dr. Futterman has published on numerous topics, including topics related to strategic jury selection and psychologically-based witness preparation techniques, and he has also been interviewed and quoted in numerous media outlets, including CNN, ABC, NBC, The New York Times, Fortune, Bloomberg, and Law360. Appended as Exhibit C is a more detailed summary of Dr. Futterman's professional background and accomplishments.

D. Dr. Ellen Brickman's Case Responsibilities and Professional Background

14. Dr. Ellen Brickman, Ph.D., is a Director in DOAR's jury consulting practice. Dr. Brickman was integrally involved in conducting pre-trial research in this matter, assisted in the witness preparation of Professor Ravina, and advised the litigation team concerning jury selection.

15. Dr. Brickman holds a Ph.D. in Social Psychology from Columbia University and a Bachelor of Arts from Barnard College.

16. Dr. Brickman has worked as a trial consultant for over twenty years and has played a leading role in many high-profile civil and criminal cases in the past two decades. Drawing on her many years of research experience both in and out of the trial consulting industry, Dr. Brickman is closely involved in theme development, jury selection, and witness preparation. She is particularly skilled at designing research to answer complex strategic questions, assisting attorneys in interpreting research findings, and advising attorneys as to their implications for trial strategy. Dr. Brickman has also taught courses in Social Psychology and in Research Methodology at NYU, the New School for Social Research, and Fordham University and has published articles on trial strategies and on jurors and social media. Appended as Exhibit D is a more detailed summary of Dr. Brickman's professional background and accomplishments.

E. Brian Bucher's Case Responsibilities and Professional Background

17. Brian Bucher is a Consultant in DOAR's trial consulting practice, specializing in the technology and logistics needed to effectively execute clients' legal strategies during litigation proceedings. Mr. Bucher assisted with the presentation of graphics and exhibits at trial, including during Professor Ravina's direct examination, and was extensively involved in preparing numerous deposition videos for use at trial in this case.

18. Mr. Bucher has worked in the legal industry for nearly twenty years and brings a wealth of experience to his work as a trial consultant, having worked at some of the most prominent law firms in the country. He has worked extensively in many types of litigation, including labor and employment, securities, bankruptcy and restructuring, white collar defense, antitrust, and general business litigation. Prior to joining DOAR, Mr. Bucher worked as a litigation paralegal

and case manager. While at DOAR, he has assisted trial teams with the planning, organization, and presentation of electronic evidence and demonstratives, the coordination and set up of courtroom technology, the creation of analytic visual aids, and the processing and editing of videotaped testimony.

19. Mr. Bucher received his undergraduate degree from the University of Virginia and completed graduate-level coursework at New York University.

F. Emma Shuck's Case Responsibilities and Professional Background

20. Emma Shuck is a Consultant in DOAR's trial consulting practice. She works closely with trial lawyers to develop graphics that distill complex case themes to educate and persuade the jury. In this case, Ms. Shuck created and oversaw the development of graphics used at trial in this matter.

21. Ms. Shuck has over five years of information design experience, having worked in corporate communications for many well-known firms. Since joining DOAR, she has consulted trial teams on multiple high-profile trials. She has also developed robust, engaging presentations in support of focus groups and mock trials.

22. Ms. Shuck holds a Bachelor of Arts from Northeastern University in Boston, MA. In addition, she has completed graduate-level coursework at Harvard University.

G. Gabriel Dash's Case Responsibilities and Professional Background

23. Gabriel Dash is an Associate in DOAR's trial consulting practice. In this case, Mr. Dash assisted with the development of graphics used at trial.

24. Since joining DOAR, Mr. Dash has worked closely with trial teams on many high-profile cases, including labor and employment matters. He has developed compelling and educational infographics for pre-trial research, trials, arbitrations, and other litigation venues.

Utilizing a diverse educational and experiential background, Mr. Dash synthesizes complex issues to assist trial attorneys in the development of case themes and visual concepts, frequently using analytical graphics to distill these ideas to jurors and other triers of fact.

25. Mr. Dash holds a Bachelor of Science degree from Washington University in St. Louis.

H. Leslie O'Neill's Case Responsibilities and Professional Background

26. Leslie O'Neill is an Associate in DOAR's trial consulting practice. In this case, Ms. O'Neill managed pre-trial research and assisted with the development of graphics for use at trial.

27. As a trial consultant, Ms. O'Neill assists clients with the conceptualization and development of graphics for trials and other legal proceedings and provides a wide range of on-and off-site support, including the planning, management, and facilitation of research concerning potential jurors, the development of questionnaires and scripts for pre-trial research activities, the analysis of research findings, and evidence preparation and presentation. She has training in qualitative and quantitative research methods, data analysis, and graphics and trial software.

28. Ms. O'Neill received her Bachelor of Arts degree from New York University.

I. Melissa Pomerantz's Case Responsibilities and Professional Background

29. Melissa Pomerantz is a Director at DOAR. Ms. Pomerantz was integrally involved in conducting pre-trial research in this matter.

30. Ms. Pomerantz holds a master's degree in forensic psychology from John Jay College of Criminal Justice, as well as a master's degree from Columbia University in art history. She received her Bachelor of Arts degree from Washington University in St. Louis.

31. Ms. Pomerantz leverages her educational background in psychology to assist clients with the development of their trial strategy by facilitating focus groups and mock trial research, designing jury questionnaires, and providing consultation on openings and summations. She also uses her background in art to create compelling, persuasive graphics that both educate and advance clients' case strategies. She has provided litigation consulting on a variety of matters, including labor and employment cases.

J. Dr. Chad Lackey's Case Responsibilities and Professional Background

32. Dr. Chad Lackey, Ph.D., is a Director in DOAR's jury consulting practice. In this case, Dr. Lackey was critically involved in conducting pre-trial research, developing jury selection profiles to assist counsel with jury selection, and advising regarding the *voir dire* questionnaire.

33. Dr. Lackey has a Ph.D. in Sociology from the University of Colorado at Boulder. He has a Bachelor of Arts and Master of Arts in Sociology from the University of North Texas.

34. Dr. Lackey has worked as a trial consultant for over fifteen years. He has consulted on hundreds of civil and criminal matters across the country involving employment, sexual abuse, complex commercial, insurance, patent, insider trading, securities fraud, political corruption, and other matters. He has extensive experience designing and conducting focus groups, surveys, and mock trial research to test the persuasiveness of case themes and arguments. Additionally, he routinely partners with clients throughout all aspects of jury selection, including helping clients present issues to the court and opposing counsel, identifying personal experiences and attitudes that may bias deliberations and decision making, and drafting and grading supplemental juror questionnaires.

K. Danis Brito's Case Responsibilities and Professional Background

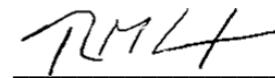
35. Danis Brito is a Consultant in DOAR's trial consulting practice. For this case, Mr. Brito created and revised key graphics used at trial in this matter.

36. With numerous years of experience in multimedia presentation, print, web, and motion design, Mr. Brito is the lead artist in charge of design development and presentation at DOAR. While at DOAR, Mr. Brito has been the lead designer on several notable high-profile trials. He works directly with clients and other consultants to create visually compelling demonstratives that persuasively convey complex case themes and concepts. The demonstratives he creates are frequently described as "above industry standard."

37. Mr. Brito holds a Bachelor of Fine Arts from the State University of New York at New Paltz.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of July, 2019, in New York, New York.



Raymond McLeod